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*Attorneys for Irving H. Picard, Trustee for the  
Substantively Consolidated SIPA Liquidation of  
Bernard L. Madoff Investment Securities LLC and  
the Estate of Bernard L. Madoff*

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION  
CORPORATION,

Plaintiff-Applicant,  
v.

BERNARD L. MADOFF INVESTMENT  
SECURITIES LLC,

Defendant.

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Liquidation  
of Bernard L. Madoff Investment Securities LLC,

Plaintiff,  
v.

AARON D. LEVEY REVOCABLE LIVING  
TRUST; JOEL LEVEY, as trustee and  
individually; WENDY KAPNER, as trustee and  
individually; and SANDRA MOORE,

Defendants.

Adv. Pro. No. 08-01789 (SMB)

SIPA LIQUIDATION

(Substantively Consolidated)

Adv. Pro. No.10-05441 (SMB)

**STIPULATION AND ORDER FOR VOLUNTARY DISMISSAL  
OF ADVERSARY PROCEEDING WITH PREJUDICE**

Irving H. Picard (the “Trustee”), as trustee for the liquidation of the business of Bernard L. Madoff Investment Securities LLC under the Securities Investor Protection Act, 15 U.S.C. §§ 78aaa, *et seq.*, and the substantively consolidated estate of Bernard L. Madoff individually, by and through his counsel, Baker & Hostetler LLP, and defendants Aaron D. Levey Revocable Living Trust; Joel Levey, as trustee and individually; Wendy Kapner, as trustee and individually and Sandra Moore (“Defendants”), by and through their counsel, Wachtel Missry LLP (collectively, the “Parties”), hereby stipulate and agree to the following:

1. On November 12, 2010, the Trustee filed and served the Complaint against Aaron D. Levey Revocable Living Trust; Joel Levey, as trustee and individually; Wendy Kapner, as trustee an individually and Sandra Moore.
2. On June 20, 2011, Defendants, Aaron D. Levey Revocable Living Trust; Joel Levey, as trustee and individually; Wendy Kapner, as trustee an individually and Sandra Moore, served an answer on the Trustee.
3. On June 22, 2015, The United States Supreme Court denied the Trustee’s writ of certiorari regarding 11 U.S.C. § 546(e). The Parties hereby stipulate that denial of writ certiorari marks final disposition of the 11 U.S.C. 546(e) issue in the above captioned adversary proceeding.
4. In accordance with Federal Rule of Bankruptcy Procedure 7041(a)(1)(ii), and Federal Rule of Civil Procedure 41(a)(1), the Parties hereby stipulate to a dismissal with prejudice of the Trustee’s claims against Defendants in the above-captioned adversary proceeding and dismissing the adversary proceeding.
5. The provisions of this Stipulation shall be binding upon and shall inure to the benefit of the Parties and their respective successors and assigns and upon all creditors and

parties of interest.

6. This Stipulation may be signed by the Parties in any number of counterparts, each of which when so signed shall be an original, but all of which shall together constitute one and the same instrument. A signed facsimile, photostatic or electronic copy of this Stipulation shall be deemed an original.

Dated: November 2, 2015

**BAKER & HOSTETLER LLP**

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*Attorneys for Plaintiff Irving H. Picard, Trustee for the Substantively Consolidated SIPA Liquidation of Bernard L. Madoff Investment Securities LLC and the Estate of Bernard L. Madoff*

Dated: November 2<sup>nd</sup>, 2015  
New York, New York

**WACHTEL MISSRY LLP**

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*Attorneys for Defendants Aaron D. Levey Revocable Living Trust; Joel Levey, as trustee and individually; Wendy Kapner, as trustee and individually and Sandra Moore*

SO ORDERED

/s/ STUART M. BERNSTEIN  
HON. STUART M. BERNSTEIN  
UNITED STATES BANKRUPTCY JUDGE